

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

*Newport News Division*

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 4:23-cr-27
	)	
RICHARD JEROD WHITLEY, JR.,	)	
	)	
Defendant.	)	

STATEMENT OF FACTS

If the United States were to try this case, the evidence that would be proved beyond a reasonable doubt would be:

1. On or about August 23, 2022, and October 3, 2022, Homeland Security Investigations (HSI) provided the Federal Bureau of Investigation (FBI) with information regarding an HSI agent operating in an undercover capacity who observed Viber user "Jason Morgan" upload approximately 38 images of Child Sexual Abuse Material (CSAM) to the application group named "Kids Boys."
2. Using a number of investigative techniques to include but not limited to subpoenas and federal search warrants, the FBI confirmed that the defendant, RICHARD JEROD WHITLEY, JR., used the pseudonym "Jason Morgan" as WHITLEY's Viber application username.
3. WHITLEY made several lawful admissions to law enforcement to include that he:
  - a. used the Viber username "Jason Morgan";
  - b. was part of the Viber group chat named "Kids Boys";

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*AW TGN*

c. was part of approximately 128 Viber group chats that focused on and shared CSAM of underage boys. The names of some of the other Viber group chats to which WHITLEY belonged are:

- i. Kids Only 18-
- ii. Only Kids Boys 12
- iii. Young Boy Dick
- iv. Boys sex age 13
- v. Kids Boys Only
- vi. Children Boys
- vii. CP Niños Bonitos
- viii. Kid boys lover
- ix. Gay CP Only Videos And Photos
- x. ONLY LITTLE BOYS; and

d. was not just a subscriber to these Viber chat groups, but also the administrator for many of them.

4. WHITLEY actively distributed CSAM to other Viber users in exchange for valuable consideration, but not for pecuniary gain, specifically, WHITLEY traded for additional CSAM. An example of one such trade is as follows:

**Jason Morgan:** *Hey. Do you have black boy cp for trade?*

**TIGRE-ROJO...:** *Yes.... I have some..., Send, and I send....*

**Jason Morgan:** [sends 50 CP videos]

**TIGRE-ROJO...:** *Wait.... I'll SEND You something good....*

**TIGRE-ROJO...:** *Do you have TELEGRAM?...*

**Jason Morgan:** *Yes*

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DW RPN

**TIGRE-ROJO...:** *I have all mine VIDEOS there...*

5. Based on the forensic analysis of his devices, WHITLEY is accountable for:
  - a. thousands of images and videos containing CSAM;
  - b. at least one CSAM video is over 36 minutes in duration;
  - c. several images and videos contain CSAM of bondage and other sadistic/masochistic content; and
  - d. several images and videos contain CSAM with toddler and infant subjects engaged in sexually explicit conduct;

6. During the course of the investigation, FBI confirmed that WHITLEY was employed as a school bus driver for North Elementary School in Colonial Heights, Virginia, where he routinely engaged with minor students via text messaging and direct messaging on Instagram. An example of WHITLEY's exchanges with a minor student on WHITLEY's bus route include:

- a. **WHITLEY:** "But I'll be up late. Feel free to annoy me."

**John Doe:** "ok"

**WHITLEY:** [later] (two-eyes emoji)

**John Doe:** "why are u up? Its late"

**WHITLEY:** "Lol I was out with my cousins. Why are YOU up?" (two-eyes emoji)

- b. **WHITLEY:** "You make one more face and I'm coming to your house."

**John Doe:** "bring snacks if you come. ill be home late tho. u can leave them on the porch" (smiley face emoji)

**WHITLEY:** "I'll give you the snacks after I whoop your ass."

- c. **WHITLEY:** "I miss you son!! These kids I have now are jackasses. I had to cuss them out this morning (swearing emoji) I need my old route back (sad face emoji)
- d. **WHITLEY:** (two-eyes emoji)

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CW KPW

**John Doe:** “srry mr. whitley for the late response ITS BEEN A LONG WEEEEK MORE LIKE MONTH”

**WHITLEY:** “Lol no worries. And trust me, I COMPLETELY understand!! The past few weeks have been a hot ass mess. You’ve been on my mind and I wanted to check in and make sure you were doing ok.”

- e. **WHITLEY:** “Hey son. Bout time lol” “Sorry I’m late. Just finished my workout”

**John Doe:** (straight-mouthed face emoji) “u workout”

**WHITLEY:** “Lol yea I do. Gotta stay fit just in case I gotta cut a bitch” (winking, tongue-out face emoji)

**John Doe:** (straight-mouthed face emoji) “ok”

**WHITLEY:** “LOL shut up.”

- f. **WHITLEY:** “Fyi, I hit you because I love you” (winking, kissing face emoji) (blue heart emoji)

**John Doe:** “Mhm”

**WHITLEY:** “Don’t make me beat you. Monday you’ll get ONE second to get off my bus” (smiley face emoji)

**John Doe:** “That’s impossible”

**WHITLEY:** “You better make it possible”

**WHITLEY:** [approximately two 2.5 weeks later from the above message with no intervening message from John Doe] “I’m in your DM. Be happy!!!” (smiley face emoji) (smiley face emoji) (blue heart emoji).

7. **WHITLEY** also regularly gave candy, snacks, Chic-fil-A gift cards, and other gifts to the young children and, on at least one occasion, CashApp’ed an unknown amount of money to

*EW 7.0. JKW*

a student on the student's birthday.

8. The defendant admits that on or about October 1, 2022, in the Eastern District of Virginia, he knowingly received material containing an image of child pornography as defined by 18 United States Code § 2256(8), to wit: "1\_5006117466791739515.mp4" a video file depicting actual and simulated lascivious exhibition of a nude early pubescent juvenile male engaged in sexually explicit conduct, specifically, actual and simulated oral-genital intercourse, masturbation, and anal-genital intercourse with an adult male, that had been mailed using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).

9. All of the events described occurred in the Eastern District of Virginia.

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10. The acts described above taken by defendant, RICHARD JEROD WHITLEY, JR., were done willfully, knowingly, intentionally, and unlawfully and not by accident, mistake or other innocent reason. The defendant further acknowledges that the foregoing statement of facts covers the elements of the offenses charged but does not describe all of the defendant's conduct relating to the offenses charged in this case.

Respectfully submitted,

Jessica D. Aber  
United States Attorney

By: 

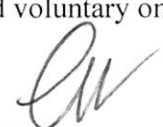
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After consulting with my attorney, I hereby stipulate that the above Statement of Facts is a partial summary of the evidence which is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
RICHARD JEROD WHITLEY, JR.  
Defendant

05/18/2023  
Date

I am RICHARD JEROD WHITLEY, JR.'s attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
Kirsten R. Kmet  
Counsel for the Defendant

18 May 2023  
Date